



PLANNING COMMISSION REGULAR MEETING
WEDNESDAY, MARCH 10, 2021
6:00 PM

153A Morton Lane, Appomattox, VA 24522
www.AppomattoxCountyVA.gov

Call to Order

Determination of Quorum

1. [21-1912](#)

Welcome New Member

Ms. Gena Campbell Prue has been appointed to the Planning Commission as the Falling River District representative. Her term will expire December 31, 2024. Please welcome her to the Commission.

Approval of Minutes

The minutes for the January meeting will be available at your next regular meeting.

Old Business

2. [21-1911](#)

Comprehensive Plan Review-Worksession

Staff will provide an update on the status of the changes to the Goals and Objectives portion of the plan.

New Business

3. [21-1910](#)

Comprehensive Plan Amendment Request-Borrego Solar

Borrego Solar has requested a Comprehensive Plan Amendment for a portion of a parcel located in Pamplin area of Appomattox County. The request is to amend the Future Land Use Map from a Rural Transition Area designation to a Commercial designation. This change would allow the proposed project to be in conformance with the Comprehensive Plan. In making this change, you would be conducting the required 2232 Review for this project. Late last year, in the review process that is underway for the Comprehensive Plan, this area was part of the proposed changes that will be brought forward later this year with the Comprehensive Plan Update. The draft proposal would change the Commercial designation to Rural Preservation from Pamplin Road to the county line.

To consider the request further, the Planning Commission would need to schedule a public hearing for its April meeting.

Documents: [Borrego Solar Comprehensive Plan Amend Request.pdf](#)

Adjournment



Borrego Solar Systems, Inc.
55 Technology Drive, Suite 102
Lowell, MA 01851
804-904-7068

February 10, 2021

Appomattox County Community Development
153-A Morton Lane
PO Box 863
Appomattox, VA 24522
Attention: Mr. Johnnie Roark, Director of Community Development
Phone: 434-352-8183

Re: Request for Comprehensive Plan Amendment
490 Swan Road - Future Proposed Small Scale Solar Facility
Appomattox River District
Parcel Number: 102-A-161

Dear Mr. Roark,

On behalf of Swan Road Solar 1, LLC and Swan Road Solar 2, LLC (Project Companies), Borrego Solar Systems, Inc. (Borrego) respectfully submits this request for a Comprehensive Plan Amendment in the vicinity of Parcel Number 102-A-161 in Appomattox County, Virginia. This request preempts a potential future entitlement application to construct and operate a small-scale solar facility located at 490 Swan Road, Pamplin VA 23958. Aly Hawash owns the subject property (Parcel Number 102-A-161) and authorizes Borrego to seek land use entitlements supporting the proposed project, refer to Exhibit 1.

This request for an Amendment to the County's Comprehensive Plan is formulated as follows: Project Genesis, enumerating the background and need for the potential future entitlement request; Site Data, describing the subject parcel; Plan Assessment, detailing the currently adopted Comprehensive Plan as relates to the proposed possible future activity; and Amendment Request, formally requesting motions to adopt the requested changes.

1.0 Project Genesis

The Governor of Virginia signed the Virginia Clean Economy Act (VCEA) into law in April of 2020. The VECA, along with a myriad of other provisions and requirements, set the legal mandate for electric utilities in the Commonwealth to promulgate renewable energy construction. Certain carveouts of the legislation require "Distributed Generation" (DG) scale of solar development, loosely capped by the Virginia Electric and Power Company (Dominion) at 3 megawatts of AC power during the 2020 procurement season.

Borrego develops, engineers, procures, constructs (EPC), operates, and maintains solar facilities at the DG size and scale throughout the United States, with a 40-year history of stewardship to the environment. Borrego is actively engaged in Dominion's procurement process of DG-scale facilities throughout the Commonwealth and is currently working to determine the appropriateness and

suitability of a DG-scale solar facility sited at 490 Swan Road in Appomattox County. Specific criteria related to interconnection costs, financial viability to Dominion; site conditions, landowner constraints, impacts to the community, environment, and local economy drive a project site's suitability. Due diligence efforts (refer to Section 2.0, below) indicate the subject parcel to be potentially viable from Borrego's perspective. The site's proximity to the existing Pamplin Substation, nature of existing land cover type and topography, aquatic resources, and access from rights-of-way are salient considerations in Borrego's assessment.

Borrego understands Appomattox County will ultimately determine the potential site's appropriateness for a facility and entitlements encumbered thereon. Based on Appomattox County Ordinances, the site's zoning characteristics, and discussions with County representatives, Borrego intends to engage the Conditional Use Permit (CUP) process to request approval for a proposed small scale solar facility at the subject parcel in mid- to late-2021. As a prerequisite to starting the CUP process, Borrego respectfully asks for consideration of this Comprehensive Plan Amendment request to align the subject parcel with any potentially proposed future use application.

2.0 Site Data

The subject parcel is located south of Highway 460, west of Swan Road, and east of Vaughans Creek near the eastern limits of Appomattox County. The parcel is currently zoned Agricultural A-1, with most of the usable area within the parcel sloping southeasterly into an Unnamed Tributary to Vaughans Creek. The existing land use type is a forested and agricultural/meadow mix, with one improved structure. To date, Borrego has performed due diligence on the subject area sufficient to qualify the potentially proposed future development's viability. This due diligence includes a Stream and Wetlands Delineation field study, Phase I Environmental Site Assessment, Preliminary Cultural Resources Assessment, Title Reporting, Rare and Endangered Species Assessments, and utility interconnection studies.

Borrego has executed agreements with the landowner sufficient to exercise site control and pursue entitlements, permits, and other necessary mechanisms to develop a proposed solar facility.

3.0 Plan Assessment

The Appomattox County Comprehensive Plan, adopted in 2016, contains provisions guiding logical and orderly development within the County. Chapter 3 of the Plan defines a Growth Management Plan, including Future Land Use mapping dividing land within the County's incorporation limits into approximately twelve designations. The Comprehensive Plan splits the subject parcel to about 60% Rural Transition designation and 40% Commercial designation based on this mapping. The Commercial designation appears to follow a 500-foot corridor along Richmond Highway.

Borrego asserts a small scale solar facility is consistent with the Commercial designation intent. Therefore, 40% of the parcel and the project should be considered in compliance with the adopted Comprehensive Plan. Due to the 500-foot buffer along Richmond Highway serving as a dividing line between Commercial and Rural Transition, 60% of a proposed small scale solar facility could be proposed within a district whose intent is outside the character of a small scale solar facility, as defined within the adopted Comprehensive Plan. Borrego suggests this rigid dividing line, bisecting the parcel, could be realigned to the southern- and western edges of parcel 102-A-161 to more logically and appropriately govern growth and land use regulation in the subject parcel's vicinity.

The site is nearby, but outside, the Richmond Highway Eastern Commerce Corridor, please refer to Exhibit 2. Realigning this relatively small portion of the demarcation line between districts has a negligible effect on Growth Corridors.

4.0 Amendment Request

Borrego formally requests the County's consideration of this request to modify the adopted Comprehensive Plan consistent with the context established above. If granted, Borrego asserts this would result in an amended Comprehensive Plan substantially in accordance with the goals and objectives of the County's growth vision. Approval of this request does not grant entitlements associated with the proposed project. Amendment solely provides the regulatory framework to enable Borrego to prepare and submit a thorough and thoughtful application for the proposed project. Borrego proffers acceptance of this Comprehensive Plan amendment request unencumbers the subject parcel for future development, reflective of a solar facility or otherwise, coherent with the nature and character of the local community.

Request: Modify Comprehensive Plan to realign Parcel 102-A-161 from Rural Transition Area to Commercial.

If the County finds this request acceptable and recommends approval, Borrego looks forward to working with Appomattox County in formulating appropriate conditions and formats of the proposed facility. These are expected to include CUP conditions requiring adequate screening from the roadway, minimizing impacts to the environment through compliance with stormwater regulations, traffic mitigation during construction (if appropriate), and evaluation of input from the local community.

Should you have any questions or require additional information, please contact me at adeuson@borregosolar.com or 804-904-7068. Thank you for your consideration of this proposed amendment request.

Very Truly Yours,



BORREGO SOLAR SYSTEMS, INC.

Alexander E. Deuson, PE

Civil Engineer

Cc: BOX File

EXHIBIT F

10 / 3 / 2020

To Whom It May Concern

Borrego Solar Systems, Inc. and its employees and affiliates are hereby authorized to act as our agent for submission of applications and related plans and documents, and to appear before boards and other officials, with respect to obtaining approvals for solar installations to be constructed on my property located at 490 Swan Road, Pamplin, VA 23958 (Parcel: 102 A 161).

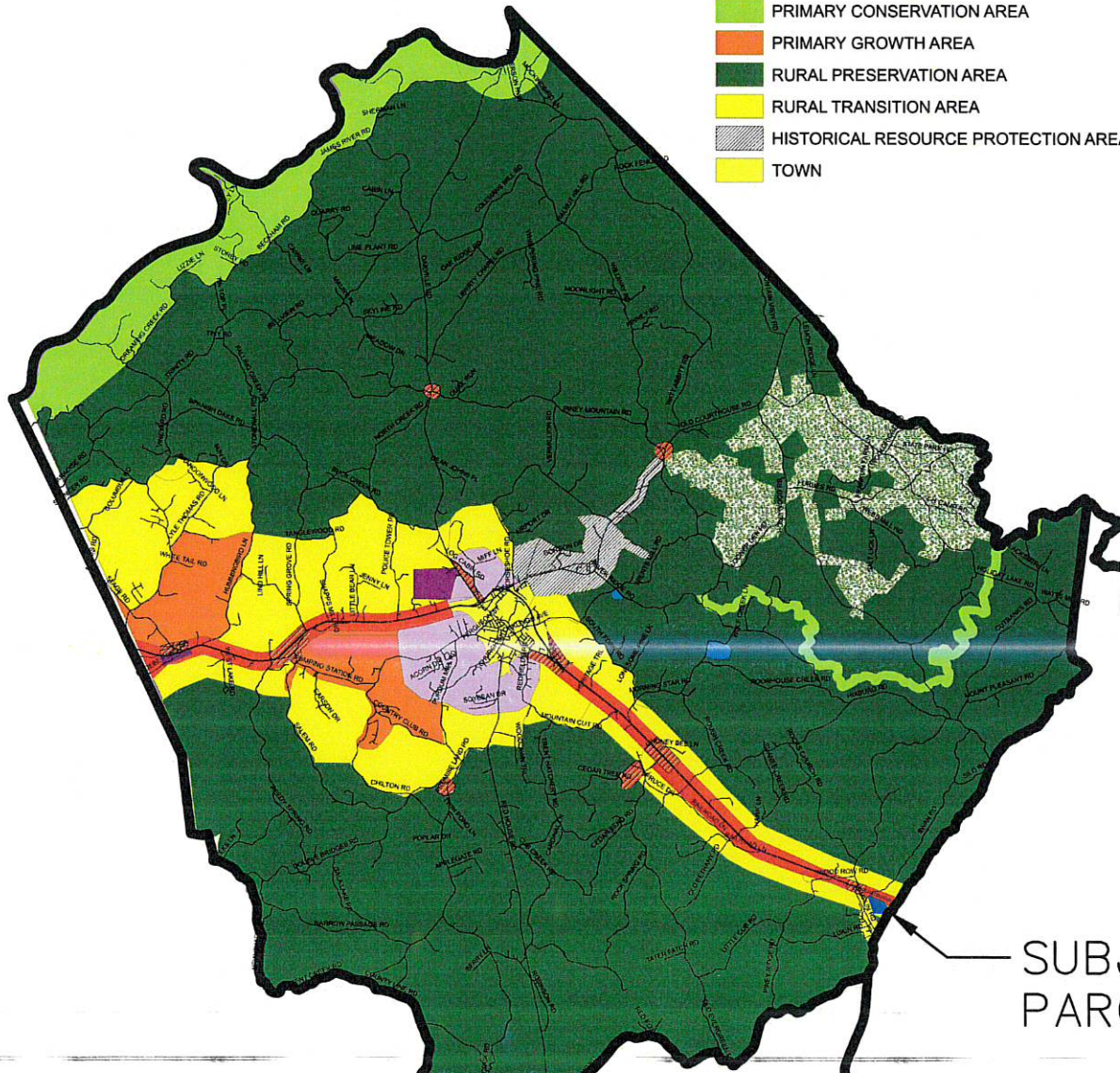
Sincerely,

Aly Hawash
Aly Hawash

Appomattox County Future Land Use Map

Land Use

-  NEIGHBORHOOD COMMERCIAL
-  COMMERCIAL
-  INDUSTRIAL
-  INSTITUTIONAL
-  SUBURBAN GROWTH AREA
-  STATE FOREST PROTECTION AREA
-  PRIMARY CONSERVATION AREA
-  PRIMARY GROWTH AREA
-  RURAL PRESERVATION AREA
-  RURAL TRANSITION AREA
-  HISTORICAL RESOURCE PROTECTION AREA
-  TOWN



COMPREHENSIVE PLAN OVERVIEW

APPROX. SCALE: 1"=20,000'

SWAN ROAD SOLAR
490 SWAN ROAD, PAMPLIN VA 23958

EXHIBIT 2



BORREGO SOLAR

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL
1	02/10/21	AED	AED	ISSUED FOR REVIEW

SHEET 1 OF 1

THIS DOCUMENT IS PROVIDED BY BORREGO SOLAR SYSTEMS INC. TO FACILITATE THE SALE AND INSTALLATION OF A SOLAR POWER SYSTEM FROM BORREGO SOLAR SYSTEMS. REPRODUCTION, RELEASE OR UTILIZATION FOR ANY OTHER PURPOSE, WITHOUT PRIOR WRITTEN CONSENT IS STRICTLY PROHIBITED

55 TECHNOLOGY DR, SUITE 102
LOWELL, MA 01851
PHONE: (888) 698-6273
FAX: (888) 843-6778
BORREGO SOLAR SYSTEMS INC.

Borrego Solar Comprehensive Plan Amendment



March 3, 2021

- Structure
- Future Land Use
- Structure Label
- Centerlines
- Industrial
- Neighborhood Commercial
- Commercial
- State Forest Protection Area
- Primary Conservation Area
- Suburban Growth Area
- Primary Growth Area

1:9,028

0 0.05 0.1 0.15 0.2 mi

0 0.07 0.15 0.3 km

Virginia Geographic Information Network (VGIN)

c. Conclusions.

- (1) A detailed area plan should be developed for this Growth Corridor.
- (2) One of the focuses of the detailed area plan should be the impact on traffic that new business and industrial uses may have. Until this area plan is developed, no new Richmond Hwy crossovers should be approved.
- (3) Properties not currently zoned B-1 or M-1 that front on Richmond Hwy in the areas of concentration discussed in (b)(2) above should be administratively rezoned to B-1.
- (4) Some site elements that should give weight to a business or industrial zoning petition include:
 - (A) Provision for a minimum 50' service road to access adjacent business and industrial properties, especially connecting to existing service roads or reserved rights-of-way.
 - (B) Landscaping and/or preservation of greenspace in the form of screening buffers or greenways.
 - (C) Use of public water and sewer.
- (5) Great consideration should be given to aesthetic impact of new business and industry on the county's western gateway.

2. ***Richmond Highway Eastern Commerce Corridor***

a. Boundaries. Includes Richmond Hwy from Town limits extending east to Old Evergreen Road for a distance of 1000 feet in either direction, then from Piney Ridge Road eastward to Swan Road for a distance of 500 feet in either direction.

b. Characteristics.

- (1) Current zoning districts are as follows: A-1 Agricultural, B-1 Business, M-1 Industrial, R-1 Residential, R-2 Residential.
- (2) Existing businesses are scattered throughout the Corridor and are not focused in one or more specific locations.

c. Conclusions.

- (1) A detailed area plan should be developed for this Corridor.
- (2) One of the focuses of the detailed area plan should be the impact on traffic that new business and industrial uses may have. Until this area plan is developed, no new Richmond Hwy crossovers should be approved.
- (3) Some site elements that should give weight to a business or industrial zoning petition include:

- (A) Provision for a minimum 50' service road to access adjacent business and industrial properties, especially connecting to existing service roads or reserved rights-of-way.
 - (B) Landscaping and/or preservation of greenspace in the form of screening buffers or greenways.
 - (C) Use of public water and sewer.
- (4) Great consideration should be given to aesthetic impact of new business and industry on the county's eastern gateway.

Approach to Renewable Energy (adopted February 18, 2020)

Appomattox County endeavors to promote the development of renewable energy resources, such as properly sited utility-scale solar energy farms and wind energy facilities. The purpose of such facilities is for the generation of electricity in a clean, efficient, and renewable manner. Each facility should promote the public health, safety and general welfare of the citizens of the Appomattox County and the Commonwealth of Virginia in an environmentally friendly approach through its design, construction, and eventual decommissioning. These facilities are best sited in areas of the county zoned either A-1, Agricultural, M-1, Industrial, and IP, Planned Industrial and should be reviewed as a conditional use within said district. In conjunction with the underlying zoning district classification, siting conformity should overlap areas designated by the Future Land Use Map as planned for commercial, industrial and/or primary growth. Areas designated by the Future Land Use Map as rural transition, rural preservation and/or primary conservation are considered to be undesirable for such land use regardless of the underlying zoning district classification.

Several planning factors to deliberate when considering siting such a facility are 1). The scope and scale of the project relative to the character of the surrounding community; 2). The proximity to other electrical power generation facilities; 3). The proximity to population centers; 4). The proximity to the industry/business to be served by the facility; 5). The proximity to other public infrastructure directly impacted in Appomattox County; and 6) The impacts to Cultural and Historical Resources. These factors are not exclusive or limiting, but should be included in the overall deliberation, as part of generally accepted good zoning practices. Any siting of either a utility-scale solar energy farm or a wind energy facility should have a direct, positive impact on the citizens of Appomattox County and should be consistent with the current Commonwealth of Virginia Energy Plan, as well as, the Appomattox County Comprehensive Plan